

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:)
ROBERT J. BECKLEY,)
 Debtor)
) Bankruptcy No. 17-70086-JAD
AMERICREDIT FINANCIAL SERVICES,)
INC. dba GM FINANCIAL,) Chapter 13
 Movant)
 v.)
) Related To Document No. 23
ROBERT J. BECKLEY,)
 Respondent(s)) Doc. # 25
)
RONDA J. WINNECOUR)
 Trustee)
)
)

STIPULATION

NOW COMES, AmeriCredit Financial Services, Inc. dba GM Financial (“GM Financial”), by and through its counsel, Morton & Craig LLC, and Robert J. Beckley (“Debtor”) by and through his counsel Terry L. Graffius, Esquire, and stipulate and agree as follows:

RECITALS

WHEREAS, the Debtor filed a voluntary petition for relief under Chapter 13 of Title 11, United States Code on February 8, 2017;

WHEREAS, the Debtor and GM Financial are parties to a Motor Vehicle Installment Sales Contract dated January 4, 2016 (the “Contract”) whereby the Debtor financed the purchase of a 2015 Chevrolet Silverado 1500 bearing vehicle identification number 1GCUKREC9FF204482 (the “Vehicle”);

WHEREAS, the Debtor filed a Chapter 13 Plan on February 20, 2017 in which the Debtor proposed to modify GM Financial's lien and pay GM Financial a total of \$34,000.00 with interest at 6% for the Vehicle;

WHEREAS, GM Financial filed a secured proof of claim on February 14, 2017 in the amount of \$36,173.89 with contract interest accruing at an annual rate of 11.80%;

WHEREAS, the Debtor and GM Financial have resolved the issues surrounding the Debtor' treatment of GM Financial's secured claim in the Chapter 13 Plan and seek to enter into this Stipulation to resolve said issues.

NOW THEREFORE, the Debtor and GM Financial hereby stipulate and agree as follows:

1. The Chapter 13 Plan dated February 20, 2017 shall incorporate the terms of this Stipulation as it relates to GM Financial's secured claim or if the Debtor decides to file an amended Chapter 13 Plan, said amended Chapter 13 Plan shall incorporate the terms of this Stipulation as it relates to GM Financial's secured claim.

2. That GM Financial shall have a secured claim in the amount of \$36,173.89 with annual interest to accrue at 6.0%, with any remainder of GM Financial's claim to be treated as an unsecured claim.

3. That GM Financial shall not release its lien on the Vehicle until the Debtor's Chapter 13 Plan has been fully completed or until it has been paid the full amount to which it is entitled under applicable non-bankruptcy law, whichever occurs earlier. Upon payment in accordance with these terms and successful completion of the Chapter 13 Plan by the Debtor, GM Financial shall release its lien on the Vehicle.

4. That this Stipulation shall become null and void, without further Order of Hearing, if the Debtor' underlying Chapter 13 Bankruptcy case is converted to a Chapter 7 case or if the underlying Chapter 13 Bankruptcy case is dismissed.

5. That the Chapter 13 Trustee's consent to this Stipulation is for the purpose of Plan treatment and is not intended to waive any objection(s) the Trustee may have to the Plan

including feasibility, or the reasonableness or necessity of any expense contained within the Debtor's budget or Plan.

IN WITNESS hereof the parties, by their respective, duly authorized, undersigned counsel of record, have caused this Stipulation to be executed as of the _____ day of March 27, 2017.

BY THE COURT:



The Honorable Jeffery A. Deller
Chief U.S. Bankruptcy Judge

Consented To:

/s/ William E. Craig
William E. Craig, Esquire
PA ID# 92329
Morton & Craig LLC
110 Marter Ave. Suite 301
Moorestown, NJ 08057
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bcraig@mortoncraig.com
Attorney For GM Financial

FILED
3/27/17 10:16 am
CLERK
U.S. BANKRUPTCY
COURT - WDPA

/s/ Terry L. Graffius
Terry L. Graffius, Esquire
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Attorney for Debtor

/s/ Owen Katz
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Chapter 13 Trustee

Certificate of Notice Page 4 of 4
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Robert J Beckley
 Debtor

Case No. 17-70086-JAD
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-7

User: lfin
 Form ID: pdf900

Page 1 of 1
 Total Noticed: 1

Date Rcvd: Mar 27, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 29, 2017.

db +Robert J Beckley, 220 Maple Avenue, Windber, PA 15963-2626

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 29, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 27, 2017 at the address(es) listed below:

James Warmbrodt on behalf of Creditor Harley-Davidson Credit Corp bkgroup@kmllawgroup.com
 Karina Velter on behalf of Creditor WELLS FARGO BANK, NA amps@manleydeas.com
 Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
 Ronda J. Winneccour cmeccf@chapter13trusteeewdpa.com
 Terry L. Graffius on behalf of Debtor Robert J Beckley tgraffius@lhrklaw.com, hoaks@lhrklaw.com
 William E. Craig on behalf of Creditor Americredit Financial Services, Inc. dba GM Financial mortonlaw.bcraig@verizon.net, donnal@mortoncraig.com;mhazlett@mortoncraig.com

TOTAL: 6